

**MAINE EMS  
INVESTIGATIONS COMMITTEE MEETING  
WEDNESDAY, MARCH 3, 2004  
MAINE EMS CONFERENCE ROOM, AUGUSTA  
RATIFIED BY THE MAINE EMS BOARD ON APRIL 8, 2004**

**MEETING MINUTES**

**Present:** S. Leach (Chair), R. Doughty, C. Pillsbury, P. Knowlton

**Staff:** D. Kinney, D. White

**AAG:** L. Yustak Smith

**1. Call To Order:** The meeting was called to order at 9:44 a.m.

**A. Additions/Deletions to the Agenda –** Nelson Murphy application, Ramon Nolette application.

**2. Investigations**

**A. Executive Session**

**i. Request for Investigations**

**ii. Review Case 03-21**

The Committee entered executive session for the purpose of requesting and discussing investigations:

***Motion: To enter executive session for the purpose requesting and discussing investigation cases 04-08, 04-09, 03-22 & 03-21 (Doughty; Leach– motion carries)***

The Committee entered executive session at 9:44 a.m. and exited at 10:19 a.m.

***Motion: The Committee directs staff to initiate investigations of Cases # 04-08, and #04-09 (Doughty; Leach – Motion Carries)***

***Motion: In Case #04-08, the committee finds that Licensee violated Chapter 11.1.1 of the Maine EMS Rules (dated July 1, 2003) for failure to disclose a 1992 conviction for Assault, Class D on his December 2, 2003 application for renewal and violation of §11.A.1 of the Maine EMS Rules (dated July 1, 2000) for failure to disclose the same conviction on his December 21, 2001 application for license renewal; that aggravating circumstances exist in***

*that Licensee had opportunities to disclose the conviction on his 2000 and 2003 applications, but did not; that mitigating circumstances exist in that Licensee has 20 years EMS experience with no other violations of the Maine EMS rules; that the Committee proposes to resolve this matter by consent agreement; that Licensee shall pay a fine to the Board in the amount of \$100.00 for each violation for a total of \$200.00; and that Licensee be warned that recurrence of such misconduct shall result in further disciplinary action (Doughty;Leach – motion carries).*

*Motion: In Case #04-09, the committee finds that Licensee violated Chapter 11.1.1 of the Maine EMS Rules (dated July 1, 2003) for failure to disclose a 1992 conviction for Criminal Trespass, Class E on his February 9, 2004 application for renewal and violation of §11.A.1 of the Maine EMS Rules (dated July 1, 2000) for failure to disclose the same conviction on his February 23, 2001 application for license renewal; that aggravating circumstances exist in that Licensee had opportunities to disclose the conviction on his 2001 and 2004 applications, but did not; that mitigating circumstances exist in that Licensee has 8 years EMS experience with no other violations of the Maine EMS rules; that the Committee proposes to resolve this matter by consent agreement; that Licensee shall pay a fine to the Board in the amount of \$100.00 for each violation for a total of \$200.00; and that Licensee be warned that recurrence of such misconduct shall result in further disciplinary action (Pillsbury;Knowlton – motion carries).*

*Motion: to direct staff to inquire on the status of current criminal charges regarding the subject of case #04-09 (Pillsbury;Knowlton – motion carries 3-0-1, Doughty abstains).*

*Motion: The Committee directs staff to initiate an investigation of Case # 03-22 and to seek responses from the subject's service and physician, and the complainant (Pillsbury;Doughty – motion carries).*

*Motion: That the committee finds in case #03-21 that the licensee was a member of the responding service that provided patient care; that the subject turned over care of the patient to the responding service upon its arrival, that the EMS response by the licensee was consistent with past practice by the licensee's employer; that the employer has established a policy clarifying employees' responses to emergency medical calls; that no rules violation exists; and that the investigation be dismissed (Doughty; Knowlton – motion carries 3-0-1, Leach abstains).*

### **3. Applications**

#### **A. Ryan Peters – Criminal Convictions – Informal Review**

An informal review was conducted with applicant Ryan Peters concerning criminal convictions reported on his application for EMT-Basic licensure. The informal review began at 11:56 a.m. and concluded at 12:25 p.m.

***Motion: That the Committee finds that Ryan Peters's (Applicant's) 2003 convictions for Obstructing Report of a Crime or Injury (Class D) in violation of 17-A M.R.S.A. §758, Criminal Trespass (Class D), in violation of 17-A M.R.S.A. §402, and Criminal Mischief (Class D) in violation of 17-A M.R.S.A. §806, and his 2002 conviction for Disorderly Conduct (Class E) in violation of 17-A M.R.S.A. § 501 constitutes violations of the Maine EMS Rules (dated July 1, 2003) Chapter 11 §1.5 – Acting in ways which are dangerous or injurious to the public; that aggravating circumstances exist in that the conduct that led to the convictions occurred in the context of a domestic argument; that mitigating circumstances includes Applicant's age at the time of misconduct, that Applicant accepts responsibility and is remorseful of his misconduct, that Applicant has taken positive steps in education and is involved in community service; and that Applicant demonstrated support through letters of recommendation from an educator and community members, that the Committee proposes to issue a license to Applicant pursuant to a consent agreement; that provisions of the consent agreement include that applicant successfully completes criminal justice system probation, pay the sum of \$135.00 to Maine EMS to cover the cost of State Bureau of Identification checks to be performed during the term of the consent agreement; that Applicant will surrender any EMS license issued should Applicant be charged with any crime in any state or Federal court, term of said consent agreement to be 4 years (Doughty; Knowlton – motion carries).***

#### **B. Lindsay L. Kortze**

The Committee reviewed a request for determination of eligibility for licensure from Lindsay L. Kortze. Ms Kortze provided the committee with documents that indicate an extensive history of motor vehicle related convictions and violations from the state of New Hampshire.

***Motion: That the committee finds that Lindsay L. Kortze violated § 11.A.4 of the Maine EMS Rules (dated July 1, 2000) – Any criminal conduct or conviction, subject to the limitations of Maine statute and 32 M.R.S.A. §90.A.5.G; that the violations are based upon Ms. Kortze's convictions in the state of New Hampshire for 7 counts of Operating After Suspension, 2 counts of Operating Without a (motor vehicle) License, 1 count of Illegal Transportation of Liquor, 1 count of Driving While Intoxicated, and 1 count of Operating After Revocation; that all of the aforementioned convictions took place in a span of time from January 11, 2000 to October 28, 2002; that Ms. Kortze has demonstrated flagrant, repeated and recent disregard for the law and public safety; that EMS practice is dependent upon adherence to rules, law and EMS protocol; that Ms. Kortze's misconduct and convictions demonstrates that she does not warrant the public trust; and that the committee determines that she is not eligible to be licensed as an EMS provider in the State of Maine (Doughty; Pillsbury – motion carries).***

#### **C. Robyn Hill-Stitson**

Staff reviewed the application of Robyn Hill-Stitson who failed to list a 1994 Cruelty to Animals conviction.

***Motion: That the committee finds that Robyn Hill-Stitson's failure to list a 1994 conviction for Cruelty to Animals, Class D in violation of 17-A M.R.S.A §1031 on her application for licensure constitutes a violation of Chapter 11 §1.1 – Obtaining a license or certification by fraud, by deceit, by misrepresentation, or by concealing material facts; that the violation is mitigated by the age of the conviction, that the conviction would not otherwise disqualify her from licensure, that she has no subsequent convictions and that letters of recommendation were provided on her behalf by public safety officials. In consideration of the mitigating circumstances, the committee directs that the applicant receive a Maine EMS license and a Letter of Guidance regarding her failure to disclose ( Doughty; Pillsbury - motion carries).***

#### **D. Nelson Murphy (Addition to Agenda)**

The committee reviewed the application of Nelson Murphy, who failed to list a 1989 conviction for Disorderly Conduct, Class E and a 1989 conviction for Operating Under the Influence on his December 15, 2003 application for EMT-Basic licensure.

***Motion: That the committee finds that Nelson Murphy's failure to list a 1989 conviction for Disorderly Conduct, Class E in violation of 17-A M.R.S.A §501 and a 1989 conviction for Operating Under the Influence on his application for licensure constitutes a violation of Chapter 11 §1.1 – Obtaining a license or certification by fraud, by deceit, by misrepresentation, or by concealing material facts; that the violations are mitigated by the age of the convictions, that the convictions would not otherwise disqualify him from licensure, and that he has no convictions other than the two described above.. In consideration of the mitigating circumstances, the committee directs that the applicant receive a Maine EMS license and a Letter of Guidance regarding his failure to disclose and that the Letter of Guidance shall indicate that committee member Doughty abstained and guidance to the Applicant that Maine EMS Board members should not be individually contacted if there is a matter pending before the Board (Pillsbury; Knowlton - motion carries 3-0-1 Doughty abstains).***

#### **E. Ramon Nolette**

The committee reviewed the application of Ramon Nolette, who failed to list a 1973 conviction for Resisting Arrest and a 1978 conviction for Disorderly Conduct on his January 21, 2004 application for First Responder licensure.

***Motion: That the committee finds that Ramon Nolette's failure to list a 1973 conviction for Resisting Arrest and a 1978 conviction for Disorderly Conduct on his January 21, 2004 application for First Responder licensure constitutes a violation of Chapter 11 §1.1 – Obtaining a license or certification by fraud, by deceit, by misrepresentation, or by concealing material facts; that the violations are mitigated by***

*the age of the convictions, that the convictions would not otherwise disqualify him from licensure, and that he has no convictions other than the two described above.. In consideration of the mitigating circumstances, the committee directs that the applicant receive a Maine EMS license and a Letter of Guidance regarding his failure to disclose (Doughty; Knowlton - motion carries).*

**4. Other – None**

**5. Next Meeting**

The next meeting is scheduled for Wednesday, April 7, 2004 after the Maine EMS Board meeting.

**6. Adjourn** – The meeting was adjourned at 2:20 p.m.

Respectfully submitted,

Drexell White  
Licensing Agent